



CITY OF BURLINGTON

Administration Department

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Minutes City of Burlington Plan Commission Police Dept. Courtroom November 9, 2010, 6:30 p.m.

Mayor Miller introduced the Student Representatives, Andrew Krismer and Sarah Strong, to the members and gave them an overview of their duties as part of the commission. Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:33 p.m. Roll call: Alderman Robert Prailes, Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Student Representatives Andrew Krismer and Sarah Strong were present. Alderman Tom Vos was excused. Town of Burlington Representative Phil Peterson was absent. Also present were Zoning Administrator Patrick Scherrer and City Planner Patrick Meehan.

APPROVAL OF MINUTES

Commissioner Lynch moved and Alderman Prailes seconded to approve the minutes of October 12, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

Commissioner Eisenhardt moved and Commissioner Lynch seconded to accept correspondence from Commissioner Henney regarding his letter of resignation from the Plan Commission from the meeting. All were in favor and the motion carried.

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use Application from Charles Hinds for property located at 160 E. Chestnut Street to allow an internet-based medical transcription service business and ancillary residential caretaker's quarters.

- Mayor Miller opened the Public Hearing at 6:35 p.m.
- Ann Cahill, 308 Conkey Street, stated she owns a business downtown and is concerned with the proposed living quarters on the first floor.
- Catherine Cartell, 173 E. Chestnut Street, stated her and her husband have spent a great deal of time rehabilitating their building, especially the second floor apartments and is also concerned with the first floor living quarters. She further stated she is worried the area will not be used for the medical transcription business and that the business owners are trying to make the downtown more high end.
- Charles Hinds, owner, stated he feels he has done a great job remodeling the building and also wants to see the downtown flourish. He further stated the area will be used for the business but

understands the concerns of the neighbors. He equally wants neither a high end area nor tenants that would affect the appearance of the building or area.

- There were no further comments. Commissioner Lynch moved and Commissioner Reesman seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application from Charles Hinds to allow an internet-based medical transcription service business and ancillary residential caretaker's quarters at 160 E. Chestnut Street.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes stated he is concerned that with this property being located in the Business District that this type of use will not help bring in clientele to the area. He further stated he feels this use is not a good idea.
- Commissioner Lynch asked Patrick Scherrer to explain his memorandum and concerns to the commission. Mr. Scherrer responded that he feels an internet-based business would be difficult to prove that it is occurring only in a portion of the building. He further stated enforcement to determine the percentage of business use and residential use on the same floor would be nearly impossible. He agreed with Alderman Prailes that this type of use would not help bring traffic to the downtown area as intended.
- Commissioner Lynch stated he is aware that there are other businesses downtown that are service-only and does not see a problem with that however; he is concerned with the residential use on the first floor. He stated he is concerned with the building looking closed off and feels the lines of business use and residential use within the square footage of the building would get blurred.
- Patrick Meehan agreed with Pat Scherrer's concerns of enforcement of the code and reminded the commission that only 50% of the first floor could be used for living quarters.
- Commissioner Eisenhardt questioned the owner as to what a typical business day would be like. Charles Hinds responded that he was unsure as it was not his business. He further stated he felt he was being discriminated against as there were other buildings downtown that have first floor tenants; he mentioned one building that was recently demolished. He further stated he feels he has made the building look better and has kept the area clean and is in need of a caretaker for the property as he is disabled. Alderman Prailes stated the building that was demolished was not used as first floor living quarters.
- Alderman Prailes stated he doesn't feel this type of use is what the downtown is meant for.

- Commissioner Eisenhardt stated the difference with this proposal is the first floor residential use in the downtown and the business type is not the problem. He further stated that home businesses have a tendency to 'creep' across the lines of where the business should be and where the residence should be. It would be difficult to enforce.
- Patrick Scherrer mentioned that this is not the first proposal like this. Recently, a property owner on Jefferson Street had to vacate the tenants on the first floor due to the downtown zoning district, as it is not allowed.
- There were no further comments.

Alderman Prailes moved and Commissioner Reesman seconded to deny the Conditional Use application. *All in favor and the motion carried.*

B. Consideration to approve a Site Plan Application from Sandra Miller of Creature Comforts for property located at 115 S. Teut Road to construct a building addition,

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned what the addition would be used for. Sandra Miller, owner, stated it would be part of the veterinary clinic. She further stated the clinic will be in the existing building and the doggie day care will go in a new building in the future as Phase 2 of the project.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the Site Plan Application for 115 S. Teut Road, subject to Kapur & Associates' November 1, 2010 and Patrick Meehan's October 29, 2010 memorandums to the Plan Commission as follows:

- The proposed Site Plan does not meet this requirement since the "Site Plan: A1.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10] indicates that seven (7) off-street parking spaces are to be a "Gravel Pad." This off-street parking lot area needs to be paved with pavement of either asphalt or concrete and all affected Site Plan related documents need to be revised and resubmitted to City staff for review.
- Concrete curb and gutter needs to be graphically indicated and noted for all Phase 1 off-street parking areas and all affected Site Plan related documents need to be revised and resubmitted to City staff for review.
- Based upon the provision of 13 off-street parking spaces for the proposed uses, a minimum of one (1) canopy tree needs to be placed within the interior of the off-street parking areas of the proposed parking area for Phase 1. A revised Landscape Plan needs to be submitted by the applicant for City staff review.
- The proposed monument sign, as depicted in the "Site Plan: A1.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10], is proposed to be located within the triangular vision clearance space. This will need to be changed by the applicant

and a revised Site Plan and Landscape Plan (as well as all other affected plans) submitted to the City staff for review.

- If outdoor storage is not proposed, then the applicant needs to indicate on the face of the Site Plan "NO OUTDOOR STORAGE IS APPLIED FOR" accordingly and a revised Site Plan submitted. However, if this should change in the future, the applicant shall meet all of the requirements of Section 315-26(M) of the City Zoning Ordinance regarding outdoor storage.
- Since outdoor lighting is proposed by the applicant on "Elevations Sheet: A3.00" as prepared by S.L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10], all of the requirements below for a Lighting Plan need to be submitted to the City and met:
 - A catalog page, cut sheet, or photograph of the luminaire including the graphic depiction of light cut-off angles.
 - A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
 - A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 - Exterior lighting in the B-1 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two (2) footcandles (as measured at the property line) and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire.
- Pursuant to the requirements of Section 315-64(D) of the City Zoning Ordinance, on site directional signs cannot exceed three square feet in area. If such signs are installed, the requirements of Section 315-64(D) shall be met.
- Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of freestanding signs for a parcel such as the subject property in the B-1 District is 150 square feet. Freestanding signs will need to meet this requirement. The applicant's proposed wall, fascia, awning/canopy, marquee, and graphic signage facing the southwest (on the building's west elevation which states "Grooming Tenant Signage") is not permitted to be placed upon this building elevation since this building elevation does not front upon a public street (per the requirements of Section 315-71D of the City Zoning Ordinance for the B-1 District. Therefore, the drawing "Elevations Sheet: A3.00" as prepared by S. L. Maher Architectural Group, dated revised 10/15/14 (sic) [10/15/10] needs to be revised accordingly and resubmitted to the City staff for review. This type of signage, however, may be placed upon the north building elevation which fronts upon S. Teut Road. The freestanding signage dimensions shall not exceed the maximum allowable dimensions set forth in the City Zoning Ordinance.

All in favor and the motion carried.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Reesman seconded to adjourn the meeting at 6:53 p.m.
All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator